

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
CHERYL A. MCCASLAND	§	
xxx-xx-9195	§	CASE NO. 07-42530
150 TOWN SQ.	§	
PRINCETON, TX 75407	§	CHAPTER 13
	§	

Debtor

**MOTION TO ABATE ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN &
SETTING 30-DAY DISMISSAL DEADLINE FOR FILING NEW CHAPTER 13 PLAN
AND SETTING FINAL DISMISSAL DEADLINE PERTAINING TO PLAN
CONFIRMATION PLAN DUE ON 7-14-2008**

TO THE HONORABLE JUDGE OF SAID COURT:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW, Cheryl A. McCasland, Debtor, by and through her attorney of record, Robert E. Barron of Barron and Barron, L.L.P., in the above-styled bankruptcy case and herewith files this Motion To Abate Order Denying Confirmation of Chapter 13 Plan & Setting 30 - Day Dismissal Deadline For Filing New Chapter 13 Plan and Setting Final Dismissal Deadline Pertaining to Plan Confirmation. Plan due on 7/14/2008, hereinafter referred to as "Motion to Abate" and in support would show the Court as follows:

1. Cheryl A. McCasland, Debtor, filed a Chapter 13 bankruptcy on November 1,

2007.

2. The Confirmation hearing was held on May 15, 2008, and the final arguments and ruling was held on June 11, 2008.

3. The Court denied confirmation and entered the Order Denying Confirmation of Chapter 13 Plan & Setting 30 - Day Dismissal Deadline For Filing New Chapter 13 Plan and Setting Final Dismissal Deadline Pertaining to Plan Confirmation. Plan due on 7/14/2008 on June 13, 2008 docket # 38, hereinafter referred to as "Order".

4. On June 23, 2008, the debtor filed a timely notice of appeal and has subsequently perfected the appeal by filing the Appellant Designation of Contents For Inclusion in Record On Appeal and Statement of Issues on July 3, 2008.

5. The debtor files this Motion to Abate so ensure that the debtor's Chapter 13 case is not dismissed pursuant to the Order from this Court. The Order indicated that if a new plan was not filed by July 14, 2008, then this case would be dismissed with prejudice. However, since the debtor has appealed the Order and filing a new plan would render the issues from the first confirmation hearing moot, the debtor seeks to abate the requirement of filing a new plan pending a decision on the appeal.

WHEREFORE, PREMISES CONSIDERED, Cheryl A. McCasland, debtor, respectfully prays that this Court grant the Motion To Abate Order Denying Confirmation of Chapter 13 Plan & Setting 30 - Day Dismissal Deadline For Filing New Chapter 13 Plan and Setting Final Dismissal Deadline Pertaining to Plan Confirmation. Plan due on 7/14/2008 and for such other and further relief, both general and specific, at law or in equity, to which the Debtor may show justly entitled.

Dated: July 10, 2008

Respectfully submitted,

BARRON AND BARRON, L.L.P.
P.O. Box 1347
Nederland, TX 77627
409-727-0073

By: /s/ Robert E. Barron
Robert E. Barron
SBN: 01820800
Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2008, a true and correct copy of the Motion To Abate Order Denying Confirmation of Chapter 13 Plan & Setting 30 - Day Dismissal Deadline For Filing New Chapter 13 Plan and Setting Final Dismissal Deadline Pertaining to Plan Confirmation. Plan due on 7/14/2008 shall be served via electronic means, if available, otherwise by regular, first class mail, to the following. This service complies with Local Rules of Bankruptcy Procedure 9013(f).

City of Princeton
Elizabeth Banda
P O Box 13430
Arlington, TX 76094

Elizabeth Banda
Perdue, Brandon, Fielder, Collins & Mott
4025 Woodland Park Blvd., Suite 300
PO Box 13430
Arlington, TX 76094-0430

Janna L. Countryman
P. O. Box 941166
Plano, TX 75094-1166

Cheryl A. McCasland
150 Town Sq.
Princeton, TX 75407

PRINCETON ISD
C/O PERDUE, BRANDON, FIELDER, ET AL
P.O. BOX 13430
ARLINGTON, TX 76094-0430

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US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

/s/ Robert E. Barron

ROBERT E. BARRON

Label Matrix for local noticing
0540-4
Case 07-42530
Eastern District of Texas
Sherman
Thu Jul 10 11:27:43 CDT 2008

American Express
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C/O/ RJM
575 Underhill Blvd ste 224
Syosset, NY 11791-3416

Covington Credit of Texas, Inc.
Southern Management Corporation #TX0035
PO Box 1947
Greenville, SC 29602-1947

First Cash
AAMINC
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ACC Consumer Finance
9191 Town Center DR Ste 220
San Diego, CA 92122-6299

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c/o Becket and Lee LLP
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Malvern PA 19355-0701

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Dept 8820
LOS ANGELES, CA 90084-0001

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1330 N. McDonald # 205
Mc Kinney, TX 75071-1880

Collin County
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Mc Kinney, TX 75070-8006

Covington Credit
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Mc Kinney, TX 75069

Direct TV
C/O First National Bank
610 Waltham Way
Sparks, NV 89434-6695

First Premier
C/o Jefferson Capital
POB 23051
Columbus, GA 31902-3051

(p)GREENTREE SERVICING LLC
BANKRUPTCY DEPARTMENT
P O BOX 6154
RAPID CITY SD 57709-6154

GREEN TREE-AL LLC
PO BOX 0049
PALATINE, IL 60055-0049

Gold Star Finance
1502 W. University Ste 1
Mc Kinney, TX 75069-3441

Green Tree
345 St. Peter St.
800 Landmark Towers
Saint Paul, MN 55102

Hibernia Bank
C/O Rab Inc
POB 34111
Memphis, TN 38184-0111

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

Internal Revenue Service
1100 Commerce St.
Stop MC5024DAL
Dallas, TX 75242-1100

Jefferson Capital Systems LLC
PO BOX 23051
COLUMBUS GA 31902-3051

LVNV Funding LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

MCI Communication
c/o CBCS
POB 163250
Columbus, OH 43216-3250

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1407 W. University Dr.
Mc Kinney, TX 75069-4839

Orthopedic Associates of North Texas
1105 N. Central Exwy., Suite 120
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POB 41067
NORFOLK VA 23541-1067

Pres. Hospital of Allen
C/O Argent healthcare
Nashua, NH 03062

Providen Bank
C/O Asset acceptance
POB 2036
Warren, MI 48090-2036

Texas Medical Resources
C/O United Revenue Corp
204 Billings
Arlington, TX 76010-2495

U.S. Attorney General
Department of Justice
Main Justice Building
10th & Constitution Ave., NW
Washington, DC 20530-0001

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110 N. College Ave.
Suite 300
Tyler, TX 75702-7231

United States Attorney's Office
110 North College Ave., Ste 700
Tyler, Texas 75702-7237

View Point Bank
720 E. Arapaho
Richardson, TX 75081-2213

ViewPoint Bank fka Community Credit Union
P.O. BOX 869105
Plano, TX 75086-9105

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

GREEN TREE SERVICING LLC
PO BOX 6154
RAPID CITY, SD 57709-6154
TELEPHONE NUMBER:(888) 298-7785

(d)Green Tree Servicing LLC
PO Box 6154
Rapid City, SD 57709-7785

IRS
Austin, TX 73301

(d)Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Princeton ISD	End of Label Matrix	
c/o Perdue, Brandon, Fielder, et al	Mailable recipients	52
PO Box 13430	Bypassed recipients	1
Arlington, TX 76094-0430	Total	53